



CITY OF NEWPORT BEACH

870 Santa Barbara Drive
Newport Beach, California 92660
949-644-3681 | 949-644-3794 FAX
newportbeachca.gov

July 19th, 2019

Sent via Email Only

Samuel Sinyangwe
MuckRock News
DEPT MR 77503
411A Highland Ave
Somerville, MA 02144-2516
Email: 77503-84730471@requests.muckrock.com

**RE: NOTICE OF DETERMINATION IN RESPONSE TO YOUR JULY 17,
2019 PUBLIC RECORDS ACT REQUEST**

Dear Mr. Sinyangwe,

The City of Newport Beach ("City") received and reviewed your California Public Records Act ("Act") (Gov. Code §§ 6250 *et seq.*) request dated July 17, 2019. This response is intended to serve as the City's notice of determination as to whether the request in whole or part seeks the production of non-exempt, non-privileged, disclosable public records in the possession of the City, pursuant to the Act. Your request is set forth below followed by the City's response.

Records Request:

- #1) The total number of police uses of force in 2018, broken down by type of force used (i.e. number of uses of tasers, number of uses of baton, etc.).*
- #2) The total number of use of force complaints reported by civilians in 2018.*
- #3) The total number of use of force complaints reported by civilians that were sustained in 2018.*
- #4) All arrests data reported to the California Department of Justice via the Monthly Arrests and Citation Register program covering arrests made in 2017 and 2018, including (but not limited to) the age, race/ethnicity, gender, offense category (felony, misdemeanor, status offense), charge and disposition of arrestees.*

In regards to #1 and #4, numerous PDFs attached to this email contain the information you requested.



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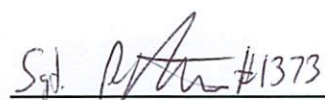
In regards to #2 and #3, however, please be advised that records of administrative investigations involving department personnel, including records of complaints against department personnel (such as those of excessive force), are exempt from disclosure pursuant to the police and investigatory exemption set forth in California Government Code Section 6254(f), and the confidential peace officer personnel exemption set forth in California Penal Code Section 832.7(a). See also, Pitchess v. Superior Court, 11 Cal. 3d 531 (1974).

Please note that such records could be subject to disclosure under Penal code Section 832.7(b) if the records pertained to information identified in California Penal Code Section 832.7(b), such as (1) a discharge of a firearm at a person, (2) a use of force that resulted in death or great bodily injury, (3) a sustained finding of sexual assault and (4) a sustained finding of dishonesty. However, please note that the City possesses no records responsive to your request that fall into the exceptions provided in California Penal Code Section 832.7(b). Therefore, all other records responsive to your request are exempt from disclosure pursuant to California Government Code Section 6254(f), and California Penal Code Section 832.7(a).

Should you have any questions please do not hesitate to contact me at (949) 644-3708.

Sincerely,

NEWPORT BEACH POLICE DEPARTMENT

 #1373

Sergeant Peter Carpentieri
Professional Standards Unit
Newport Beach Police Department
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Email: pcarpentieri@nbpd.org